

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 3-19-24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Beatriz Colon,

Defendant.

95 Cr. 789 (ALC)

Order re: Attorney-Client Privilege Waiver (Informed Consent)

WHEREAS Beatriz Colon (“Petitioner”) has filed a petition for a writ of error *coram nobis*, seeking to vacate her conviction under 18 U.S.C. § 1956(a)(1)(B)(i) based, in part, on allegations of ineffective assistance of counsel by her former defense counsel, Bobbi Sternheim (“Counsel”); and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of Counsel will be needed to allow the Government to respond to the petition; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Counsel is needed to allow the Government to respond to the petition; and

WHEREAS by filing the petition, Petitioner has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order, ethical concerns may inhibit Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer’s Former Client Brings Ineffective Assistance of Counsel Claim*,

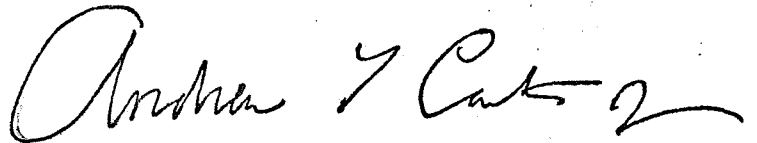
IT IS HEREBY ORDERED that Ms. Sternheim shall give sworn testimony, in the form of an affidavit or affirmation, addressing the allegations of ineffective assistance of counsel made by Petitioner; and it is further

ORDERED that Petitioner Beatriz Colon execute and return to this court within 14 days from today's date the accompanying "Attorney-Client Privilege Waiver (Informed Consent)" form. If the document is not received by the court within 14 days from today's date, the court will deny the petition, on the ground that the Petitioner failed to authorize the disclosure of information needed to permit the Government to respond to the petition; and it is further

ORDERED that the Government shall be permitted 60 days from the receipt of said executed "Attorney-Client Privilege Waiver (Informed Consent)" form to obtain sworn testimony from Counsel and file its opposition and any additional supporting papers with this Court.

Dated: New York, New York

3-19-24

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE